

ALISON BRASIER, ESQ.
Nevada Bar No. 10522
HICKS & BRASIER, PLLC
2630 S. Jones Blvd.
Las Vegas, Nevada 89146
Phone (702) 628-9888
Fax (702) 960-4118
Email: abrasier@lvattorneys.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

EDWARD KELLER, JR., individually,)	CASE NO.: 2:20-cv-284
)	
Plaintiff,)	
vs.)	
)	
ROYCE PLOWMAN, individually,)	
MADISON SMITH, individually; DOES I)	JOINT PRE-TRIAL ORDER
through X, inclusive; ROE)	
CORPORATIONS XI through XX,)	
inclusive,)	
)	
Defendants.)	

Plaintiff EDWARD KELLER, JR., (“Plaintiff”), by and through his counsel, ALISON BRASIER, ESQ., of HICKS & BRASIER, PLLC, and Defendants ROYCE PLOWMAN and MADISON SMITH, (“Defendants”), by and through their counsel, CHRISTOPHER LUND, ESQ., of TYSON & MENDES, LLP, and hereby submit their proposed Joint Pretrial Order as follows:

After pretrial proceedings in this case,

IT IS SO ORDERED:

I.

NATURE OF THE ACTION

This is an action for negligence and negligent entrustment brought by plaintiff EDWARD KELLER, JR., against Defendants ROYCE PLOWMAN and MADISON SMITH, stemming from a motor vehicle accident that occurred on February 1, 2019, in Clark County, Nevada.

1 Plaintiff contends that while traveling south on the I-15 freeway near the I-215 exit, he came to a
2 complete stop and was rear-ended by a vehicle being operated by Defendant Royce Plowman.

3 Plaintiff seeks special and general damages arising from these causes of action. Defendants deny
4 these allegations.
5

6 **II.**

7 **STATEMENT OF JURISDICTION**

8 The District Courts of the United States have original jurisdiction of this action by virtue of 28
9 U.S.C. section 1332 because there is complete diversity of citizenship between the parties.

10 Defendants are now, and were at the time of the subject accident, a resident of the state of Utah.
11 Defendants have never been citizens of the State of Nevada.
12

13 Plaintiff is now, and was at the time of the subject accident, a resident of Clark County, Nevada.

14 Further, the amount in controversy exceeds \$75,000, exclusive of interest and costs.
15

16 **III.**

17 **FACTS ADMITTED BY THE PARTIES AND REQUIRE NO PROOF**

18 On February 1, 2019, Mr. Keller was the driver of a vehicle that was involved in a collision with a
19 vehicle being operated by Defendant Royce Plowman.

20 Defendant Royce Plowman admits to rear-ending the vehicle driven by Plaintiff.

21 **IV.**

22 **FACTS, THOUGH NOT ADMITTED, WILL NOT BE**
23 **CONTESTED AT TRIAL BY EVIDENCE TO THE CONTRARY**

24 None.

25 **V.**

26 **ISSUES OF FACT TO BE TRIED AND DETERMINED UPON TRIAL**

- 27 1. Whether the subject accident caused the injuries allegedly sustained by Mr. Keller.
28 2. Whether Mr. Keller sustained any injuries.

VI.

ISSUES OF LAW TO BE TRIED AND DETERMINED UPON TRIAL

None at this time.

VII.

EXHIBITS

(a) The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:

(1) Plaintiff's exhibits: The parties have yet to formally stipulate as to the admissibility of any exhibits at this time, but reserve the right to do so at a later date in conjunction with Motions in Limine.

(2) Defendants' exhibits: The parties have yet to formally stipulate as to the admissibility of any exhibits at this time, but reserve the right to do so at a later date in conjunction with Motions in Limine.

(b) As to the following additional exhibits the parties have reached the stipulations stated:

(1) Plaintiff's exhibits: None

(2) Defendants' exhibits: None

(c) As to the following exhibits, the party against whom the same will be offered objects to their admission upon the grounds stated:

(1) Set forth the plaintiff's exhibits and objections to them. The parties have yet to formally stipulate as to the admissibility of any exhibits at this time, but reserve the right to do so at a later date in conjunction with Motions in Limine.

(2) Set forth the Defendants' exhibits and objections to them. The parties have yet to formally stipulate as to the admissibility of any exhibits at this time, but reserve the right to do so at a later date in conjunction with Motions in Limine.

(d) Electronic evidence: (State whether the parties intend to present electronic evidence for purposes of jury deliberations.)

1 (1) Plaintiff: Yes.

2 (2) Defendant: Yes

3 (e) Depositions:

4 (1) Plaintiff will offer the following depositions for any purpose and/or impeachment at the
5 time of trial:

6 a. Edward Keller

7 b. William Muir, M.D.

8 c. Royce Plowman

9 d. Madison Plowman

10 (2) Defendant will offer the following depositions for any purpose at the time of trial:

11 a. Edward Keller

12 b. William Muir, M.D.

13 c. Royce Plowman

14 d. Madison Plowman

15 (f) Objections to Depositions:

16 The parties preserve their objections made on the record during each deposition, and to the use of
17 any deposition transcript in lieu of live testimony absent a witness who meets the definition of being
18 “unavailable” for purposes of trial.
19

20 **VIII.**

21 **WITNESSES**

22 The following witnesses may be called by the parties upon trial:

23 (a) Plaintiff's Witnesses:

24 1. EDWARD KELLER
25 c/o Alison M. Brasier, Esq.
26 HICKS & BRASIER, PLLC
27 2630 S. Jones Blvd., Las Vegas, Nevada 89146
28

2. ROYCE PLOWMAN, Defendant
c/o Thomas E. McGrath, Esq.
Rachel J. Holzer, Esq.
Tyson & Mendes LLP
3960 Howard Hughes Pkwy., Suite 600
Las Vegas, NV 89169
3. MADISON SMITH, Defendant
c/o Thomas E. McGrath, Esq.
Rachel J. Holzer, Esq.
Tyson & Mendes LLP
3960 Howard Hughes Pkwy., Suite 600
Las Vegas, NV 89169
4. Barry Lenhart
952 Upper Meadows Pl
Henderson, NV 89052
215-768-0244
5. Samuel Perry
50 Aura De Blanco Street, Unit 14101
Henderson, NV 89074
484-792-1501
6. Gina Ferretti
10701 S Eastern Ave., Apt 921
Henderson, NV 89052
702-680-3075
7. Angelika Velazquez
304 E Silverado Ranch Blvd., Unit 1231
Las Vegas, NV 89183
702-724-6387
8. Stephen Gephardt, M.D. and/or
Eric D. Travis, MS, PA-C
Person(s) Most Knowledgeable and/or Custodian of Records at
Nevada Pain Care
7220 S. Cimarron Rd., Ste. 270
Las Vegas, NV 89113
9. Eric Travis, PA and/or
Person(s) Most Knowledgeable and/or Custodian of Records at
PBS Anesthesia

3157 N. Rainbow Blvd. #518
Las Vegas, NV 89108

10. Person(s) Most Knowledgeable and/or Custodian of Records at
Kroger Pharmacy
9997 Carver Rd.
Blue Ash, OH 45242
11. Yeonsoo James Kim, M.D. and/or
Person(s) Most Knowledgeable and/or Custodian of Records at
Steinberg Diagnostic Medical Imaging Centers
2767 N. Tenaya Way
Las Vegas, NV 89128
12. Chad M. Hanson, M.D., and/or
Person(s) Most Knowledgeable and/or Custodian of Records at
Desert Orthopaedic Center
2800 E. Desert Inn Road, Suite 100
Las Vegas, NV 89121
13. Alexander S. Janda, D.C., and/or
Person(s) Most Knowledgeable and/or Custodian of Records at
Advanced Spine & Rehabilitation
715 Mall Ring Circle, Suite 205
Henderson, NV 89014
14. Keith M. Lewis, M.D. and/or
Person(s) Most Knowledgeable and/or Custodian of Records at
Pueblo Medical Imaging
5495 S. Rainbow Blvd., Suite 101
Las Vegas, NV 89118
15. Person(s) Most Knowledgeable and/or Custodian of Records at
American Toxicology c/o Premier Screening LLC
712 Fair Oaks Ave., Suite 203
South Pasadena, CA 91030
16. Stephen Gephardt, M.D. and/or
Person(s) Most Knowledgeable and/or Custodian of Records at
Red Rock Pain Surgery Center
5915 S. Rainbow Blvd., 108
Las Vegas, NV 89118
17. Eric J. Brimhall, M.D. and/or
Person(s) Most Knowledgeable and/or Custodian of Records at
Innovative Pain Care Center
9065 S. Pecos Rd., Suite 203

Henderson, NV 89074

(b) Defendant's Witnesses:

1. Defendant ROYCE PLOWMAN
c/o Tyson & Mendes
3960 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
2. Defendant MADISON SMITH
c/o Tyson Mendes
3960 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
3. Plaintiff EDWARD KELLER
c/o Alison M. Brasier, Esq.
HICKS & BRASIER, PLLC
2630 S. Jones Blvd.,
Las Vegas, Nevada 89146
4. Samuel Perry
50 Aura De Blanco Street, Unit 14101
Henderson, NV 89074
484-792-1501
5. Jessica Rivers
Address unknown
Tel: 801-363-7114
6. Abby Roberts
Address unknown
Tel: 801-400-5659
7. Mitchell Scott
Address unknown
Telephone unknown
8. Officer Matthew Leon, Badge No. H6413
Nevada Highway Patrol
4615 W. Sunset Road
Las Vegas, NV 89118
Tel: 702-486-4100
9. Plaintiff's medical providers
10. Records custodian(s) to produce and authenticate any records relevant hereto

IX.

EXPERT WITNESSES

Plaintiff's expert witnesses:

1. William Muir, M.D.
2. Plaintiff's treating physicians previously listed

Defendants' expert witnesses:

1. Hugh L. Bassewitz, M.D.
2. John E. Herr, M.D.

X.

AGREED-UPON TRIAL DATES

Counsel have met and herewith submit a list of three (3) agreed-upon trial dates:

01/10/2022

01/17/2022

01/24/2022

It is expressly understood by the undersigned that the court will set the trial of this matter on one (1) of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's calendar.

X.

NUMBER OF ESTIMATED DAYS FOR TRIAL

It is estimated that the trial will take a total of 3-5 days.

APPROVED AS TO FORM AND CONTENT:

HICKS & BRASIER, PLLC

/s/ Alison Brasier
ALISON BRASIER, ESQ.
Nevada Bar No. 10522
2630 S. Jones Blvd.
Las Vegas, Nevada 89146
Attorneys for Plaintiff

TYSON & MENDES, LLP

/s/ Christopher Lund
CHRISTOPHER LUND, ESQ.
Nevada Bar No. 12435
170 South Green Valley Parkway, Suite 300
Henderson, NV 89012
*Attorneys for Defendants Royce Plowman and
Madison Smith*

XI.

ACTIONS BY THE COURT

This case is set for ~~court~~/jury trial on the ~~fixed~~/stacked calendar on March 14, 2022. Calendar call at 9:00 AM.
will be held on March 9, 2022 at 1:30 PM.

This pretrial order has been approved by the parties to this action as evidenced by their signatures or the signatures of their attorneys hereon, and the order is hereby entered and will govern the trial of this case. This order may not be amended except by court order and based upon the parties' agreement or to prevent manifest injustice.

DATED: August 6, 2021


UNITED STATES DISTRICT JUDGE

CERTIFICATE OF E-SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of HICKS & BRASIER, PLLC, and that on the 30th day of July, 2021, the foregoing **JOINT STATUS REPORT** was served upon the parties via the Court's e-filing and service program, addressed as follows:

Thomas E. McGrath, Esq.
Christopher Lund, Esq.
Tyson & Mendes LLP
3960 Howard Hughes Pkwy., Suite 600
Las Vegas, NV 89169
Attorneys for Defendants
Fax: (702) 938-1048

/s/ James Longbrake
An employee of the HICKS & BRASIER, PLLC